

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zev Carter	Team: Squad #3	CCRB Case #: 201900058	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/26/2018 5:00 PM	Location of Incident: Inside of § 87(2)(b)	Precinct: 44	18 Mo. SOL 6/26/2020	EO SOL 2/10/2021	
Date/Time CV Reported Wed, 12/26/2018 9:24 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 01/03/2019 10:56 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Mary Cunningham	17931	954679	044 PCT
2. POM Uriel Lames	20159	958788	044 PCT
3. POM Kenny Ortiz	20334	959021	044 PCT
4. POM Joseph Deramo	20280	958492	044 PCT
5. POM Kevin Ramirez	21323	959915	044 PCT
6. SGT Armando Colon	00690	941577	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Roosevelt Monestime	11216	960959	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Mary Cunningham	Discourtesy: Police Officer Mary Cunningham spoke discourteously to an individual.	
B.POF Mary Cunningham	Discourtesy: Police Officer Mary Cunningham spoke discourteously to § 87(2)(b)	
C.POM Uriel Lames	Abuse: Police Officer Uriel Lames threatened § 87(2)(b) with the use of force.	
D.POM Joseph Deramo	Abuse: Police Officer Joseph Deramo threatened to arrest § 87(2)(b)	
E.POM Joseph Deramo	Abuse: Police Officer Joseph Deramo threatened § 87(2)(b) with the use of force.	
F.SGT Armando Colon	Discourtesy: Sergeant Armando Colon spoke discourteously to § 87(2)(b)	
G.SGT Armando Colon	Off. Language: Sergeant Armando Colon made comments based on § 87(2)(b)'s weight.	
H.POM Joseph Deramo	Force: Police Officer Joseph Deramo used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
I.POM Uriel Lames	Force: Police Officer Uriel Lames used physical force against § 87(2)(b)	
J.POM Kenny Ortiz	Force: Police Officer Kenny Ortiz used physical force against § 87(2)(b)	
K.POM Kevin Ramirez	Force: Police Officer Kevin Ramirez used physical force against § 87(2)(b)	
L.POM Uriel Lames	Discourtesy: Police Officer Uriel Lames spoke discourteously to § 87(2)(b)	
M.POM Uriel Lames	Force: Police Officer Uriel Lames used physical force against § 87(2)(b)	
N.POM Uriel Lames	Abuse: Police Officer Uriel Lames did not obtain medical treatment for § 87(2)(b)	
O.POM Kenny Ortiz	Abuse: Police Officer Kenny Ortiz did not obtain medical treatment for § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

## Case Summary

On December 26, 2018, § 87(2)(b) filed this complaint with IAB (log #2019-50589) on behalf of herself and her son, § 87(2)(b). The CCRB received this complaint on January 3, 2019.

On December 26, 2018, at approximately 5:00 p.m., § 87(2)(b) and § 87(2)(b) went to § 87(2)(b) in the Bronx to buy a stereo system. There, they met with a store employee who demonstrated one of the stereo systems that was for sale. Police Officer Mary Cunningham and Police Officer Roosevelt Monestime of the 44th Precinct entered the location and PO Cunningham told the employee, "Turn that fucking music off, I can't fucking hear myself think." (**Allegation A: Discourtesy**, § 87(2)(g)) PO Cunningham and § 87(2)(b) started to argue. PO Cunningham told § 87(2)(b) "You don't know shit about me, my father is Puerto Rican" (**Allegation B: Discourtesy**, § 87(2)(g)). Police Officer Uriel Lames threatened to use his taser against § 87(2)(b) (**Allegation C: Abuse of Authority**, § 87(2)(g)). Police Officer Joseph Deramo threatened to arrest § 87(2)(b) (**Allegation D: Abuse of Authority, exonerated**). PO Deramo threatened to use his taser against § 87(2)(b) (**Allegation E: Abuse of Authority**, § 87(2)(g)). As § 87(2)(b) was being handcuffed, Sergeant Armando Colon remarked that § 87(2)(b) had, "Fucking fat ass wrists" (**Allegation F: Discourtesy**, § 87(2)(g); **Allegation G: Offensive Language**, § 87(2)(g)). § 87(2)(b) was arrested for § 87(2)(b).

§ 87(2)(b). Officers carried § 87(2)(b) to a police vehicle and dropped him before putting him in (**Allegations H: Force**, § 87(2)(g); **Allegation I: Force**, § 87(2)(g); **Allegation J: Force**, § 87(2)(g); **Allegation K: Force**, § 87(2)(g)). PO Lames told § 87(2)(b) "Get the fuck up then, get the fuck up off the floor" (**Allegation L: Discourtesy**, § 87(2)(g)). When § 87(2)(b) was inside of a police vehicle, PO Lames slammed the car door against his knee multiple times (**Allegation M: Force**, § 87(2)(g)). PO Lames and Police Officer Kenny Ortiz refused to provide medical attention to § 87(2)(b) (**Allegation N: Abuse of Authority**, § 87(2)(g); **Allegation O: Abuse of Authority**, § 87(2)(g)). § 87(4-b) § 87(2)(g).

This case contains video evidence from multiple sources, including the security cameras of the electronics store at § 87(2)(b) (01, 02 Board Review) and officers' body-worn cameras (03-15 Board Review).

## Findings and Recommendations

### Allegation (A) Discourtesy: Police Officer Mary Cunningham spoke discourteously to

§ 87(2)(b)

### Allegation (B) Discourtesy: Police Officer Mary Cunningham spoke discourteously to

§ 87(2)(b)

§ 87(2)(b) stated that on December 26, 2018, at approximately 5:00 p.m., he went to an electronics store located at § 87(2)(b) in the Bronx with his mother, § 87(2)(b) (16 Board Review). PO Cunningham and PO Monestime entered the store to deal with a report filed by the store's owner. An employee helping § 87(2)(b) and § 87(2)(b) turned up the volume on a stereo system to

test the sound. PO Cunningham told the employee, “Turn that fucking music off, I can’t fucking hear myself think!” § 87(2)(b) told PO Cunningham to be more respectful and said that she was being racist. § 87(2)(b) and PO Cunningham started to argue. PO Cunningham told § 87(2)(b) to mind his own business. § 87(2)(b) told PO Cunningham, “If it wasn’t for your badge and gun, this would be a different situation.”

§ 87(2)(b) provided a statement that was consistent with § 87(2)(b)s, but did not allege that PO Cunningham used any profanity inside of the store (**17 Board Review**).

§ 87(2)(b) and § 87(2)(b) who work inside of § 87(2)(b) § 87(2)(b) stated that officers told the store employee to lower the volume three times, and that each time, the employee turned the volume back up (**18, 19 Board Review**). § 87(2)(b) and PO Cunningham started to argue. § 87(2)(b) stated that § 87(2)(b) told PO Cunningham that she was racist, and that PO Cunningham told § 87(2)(b) that her father was Puerto Rican, so she could not be racist to Hispanic people. § 87(2)(b) stated that PO Cunningham did not use any profanity. § 87(2)(b) did not allege that PO Cunningham used profanity.

PO Cunningham stated that she was inside of § 87(2)(b) § 87(2)(b) with PO Monestime to handle a dispute between a store employee and a customer who was upset that his merchandise did not work (**20 Board Review**). Another store employee raised the volume on a stereo system twice and PO Cunningham told him to lower the volume each time. PO Cunningham did not tell the employee, “Turn that fucking shit down.” She could not recall whether she said, “I can’t fucking hear myself think.” § 87(2)(b) called PO Cunningham a racist. PO Cunningham responded, “You don’t know nothing about me, my father’s Puerto Rican.” She initially could not remember whether she used the word “shit,” but later, after reviewing PO Monestime’s body-worn camera footage, stated that she told § 87(2)(b) “You don’t know shit about me” because she was frustrated and felt threatened by § 87(2)(b).

PO Monestime’s statement was consistent with PO Cunningham’s (**21 Board Review**). PO Monestime did not remember PO Cunningham using any profanity inside of the store.

Body-worn camera footage from PO Monestime shows that PO Cunningham told § 87(2)(b) “You don’t know shit about me, my father is Puerto Rican” after § 87(2)(b) accused her of being racist (**22 Board Review**).

NYPD Patrol Guide procedure 203-10 prohibits officers from using discourteous remarks when speaking with civilians (**23 Board Review**).

§ 87(2)(g)  
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§ 87(2)(g)

**Allegation (C) Abuse of Authority: Police Officer Uriel Lames threatened § 87(2)(b) with the use of force.**

**Allegation (D) Abuse of Authority: Police Officer Joseph Deramo threatened to arrest**

§ 87(2)(b)

**Allegation (E) Abuse of Authority: Police Officer Joseph Deramo threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) stated that six or seven officers arrived as he left the electronics store. PO Cunningham spoke to PO Lames, whom he described as a 5'11"-6' tall Hispanic male with short black hair. § 87(2)(b) tried to explain what had happened to PO Lames, but he could not explain himself because he was too excited. PO Lames told him to calm down. § 87(2)(b) walked away from the officers, but PO Lames and others followed him. § 87(2)(b) stood in front of § 87(2)(b) between him and the officers, and put her hands out away from her sides. PO Lames told § 87(2)(b) "If you don't move, I'm going to tase you, because he's under arrest."

§ 87(2)(b) stated that outside of the store, approximately eight police vehicles arrived at the scene. § 87(2)(b) told § 87(2)(b) that the officers were going to arrest him, and that he should just leave the scene. § 87(2)(b) moved to the storefront next door, and officers walked towards him. § 87(2)(b) blocked her son from the officers with her body and stretched her arms out by her side. PO Monestime told her, "Don't touch me!" two times and each time, § 87(2)(b) told him that she was not touching him. An officer told § 87(2)(b) "Your son is being arrested," and § 87(2)(b) asked why he was being arrested for disorderly conduct. An officer told § 87(2)(b) "Move out of the way, or we're going to arrest you." § 87(2)(b) stepped out of the way.

PO Lames recalled very little about the incident (**24 Board Review**). He did not recall whether he was equipped with a taser during the incident. He did not remember whether any officer unholstered their taser while interacting with § 87(2)(b) or § 87(2)(b). He did not recall whether he had any interaction with § 87(2)(b) during the incident. PO Lames did not remember whether any officer unholstered their taser during the incident.

PO Deramo stated that when he arrived in front of § 87(2)(b) § 87(2)(b) PO Cunningham and PO Monestime were arguing with § 87(2)(b) and § 87(2)(b). PO Deramo attempted to speak with the officers who were already on scene about what had happened prior to his arrival, but the volume of § 87(2)(b)'s voice made it difficult. Neither § 87(2)(b) nor § 87(2)(b) would lower their voices after officers attempted to calm them. Approximately 30 people had gathered on either side of the electronics store due to the volume of § 87(2)(b)'s voice. Sgt. Colon informed PO Deramo and other officers that § 87(2)(b) was under arrest for disorderly conduct. Once § 87(2)(b) was placed under arrest, § 87(2)(b) moved from in front of the store to approximately seven feet by § 87(2)(b)'s side, and caused her son to yell more. § 87(2)(b) interfered with officers' attempts to calm § 87(2)(b). § 87(2)(b) was still yelling, but her voice was not as loud as her son's. Apart from her actions constituting disorderly conduct, § 87(2)(b) was not doing anything illegal.

PO Deramo initially stated that he did not remember whether he threatened to arrest § 87(2)(b). When shown body-worn camera footage of himself telling § 87(2)(b) “Back up unless you want to go, too,” he stated that he did not mean that if § 87(2)(b) did not move she was going to be arrested. He did not know what “Go, too” meant and did not know why he said it.

PO Deramo stated that he asked § 87(2)(b) to put his hands behind his back. § 87(2)(b) crossed his arms over his chest and said nothing. PO Deramo interpreted this as a sign that § 87(2)(b) wanted to fight. As other officers were waiting to approach § 87(2)(b), PO Deramo pulled his taser out, pointed it at § 87(2)(b) and asked him to put his hands behind his back a second time. PO Deramo did this because he did not know whether § 87(2)(b) was going to charge at him or resist arrest. § 87(2)(b) put his hands up, and other officers placed him in handcuffs.

PO Monestime stated that § 87(2)(b) passively resisted officers’ commands before he was handcuffed, in that he did not immediately obey them.

PO Ortiz stated that he was alarmed by § 87(2)(b)’s comment, “You’re going to have to kill me” (25 Board Review). It made PO Ortiz fear that the situation could escalate. § 87(2)(b) positioned herself in between § 87(2)(b) and officers as the officers attempted to handcuff § 87(2)(b). PO Ortiz heard PO Deramo tell § 87(2)(b) “You need to get out of our way, or you’re going to come with us, too.” He was unsure whether PO Deramo unholstered his taser. He asked § 87(2)(b) to turn around and § 87(2)(b) complied. § 87(2)(b) did not resist officers’ attempts to handcuff him and made no movements with his body.

PO Cunningham and Sgt. Colon did not witness § 87(2)(b) being placed into handcuffs (26 Board Review). PO Cunningham did not recall whether § 87(2)(b) interacted with officers at all. Sgt. Colon witnessed PO Deramo taking his taser out of his holster. Sgt. Colon could not remember whether officers interacted with § 87(2)(b).

PO Deramo’s body-worn camera footage captures this portion of the incident (27 Board Review). It captures § 87(2)(b) cursing at officers, saying, “You’re going to have to kill me,” and walking away from the officers. § 87(2)(b) yells loudly at § 87(2)(b) and then tells him to go to their car as he walks. § 87(2)(b) asks, “Why are you going to arrest him?” twice and stands between § 87(2)(b) and the officers. § 87(2)(b) puts her arms out in front of her and prevents PO Deramo from approaching her son. PO Deramo tells § 87(2)(b) “Back up, unless you want to go, too.” After guiding § 87(2)(b) out of the way, PO Deramo tells § 87(2)(b) to turn around twice, but § 87(2)(b) does not do so. After the second time, as other officers are holding onto § 87(2)(b)’s left arm, PO Deramo says, “Trust me,” and briefly points his taser at § 87(2)(b). § 87(2)(b) turns around, guided by officers.

PO Ortiz’s body-worn camera footage also captures the incident (28 Board Review). The recording begins without audio. § 87(2)(b) and § 87(2)(b) can be seen gesticulating as they speak to approximately four officers on the sidewalk. The sidewalk is crowded both with passersby and individuals who have stopped to observe the interaction. At 00:35, a member of the crowd puts his arm around § 87(2)(b) and starts to walk him away. At the same time, § 87(2)(b) moves her arms out towards PO Deramo, who is attempting to approach § 87(2)(b) and touches his torso.

twice. PO Deramo draws his taser as he instructs § 87(2)(b) to turn around so that officers can handcuff him.

PO Lames's body-worn camera captures the entirety of § 87(2)(b)'s arrest; PO Lames has no interactions with § 87(2)(b) and never mentions using his taser against her (**08 Board Review**).

§ 87(2)(g)

A person is guilty of obstruction of governmental administration when they intentionally obstruct, impair, or prevent or attempt to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act. New York State Penal Law § 195.05 (**29 Board Review**).

§ 87(2)(g)

NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to place a person in custody (**30 Board Review**). Among other factors, officers are to consider actions taken by the subject, the size of the subject in comparison to members of service, and the presence of a crowd of agitators when determining whether force is reasonable.

§ 87(2)(g)

**Allegation (F) Discourtesy: Sergeant Armando Colon spoke discourteously towards** § 87(2)(b)

**Allegation (G) Offensive Language: Sergeant Armando Colon made remarks to** § 87(2)(b) **based on his weight.**

A subclip of PO Ortiz's body-worn camera captures these allegations (**28 Board Review**). At 0:52, the recording shows three pairs of hands touching § 87(2)(b)'s body. At 0:57, an officer's voice says, "Fucking fat ass wrists." PO Ortiz's voice, which is distinct from the first voice,

responds with, “Yeah, his sweater.” At 1:10, the same voice says, “Enough. Shut up,” and “Alright, take this guy out of here.”

In a screenshot from the security camera footage from inside of § 87(2)(b) PO Monestime can be seen wearing an Apple Watch on his left wrist (**31 Board Review**).

PO Monestime’s body-worn camera footage shows that as § 87(2)(b) was being handcuffed by PO Ortiz, Sgt. Colon walked in between PO Monestime and PO Ortiz, blocking PO Monestime’s camera’s view of the handcuffing (**03 Board Review**). PO Monestime’s recording does not capture the allegations. However, at 5:08, Sgt. Colon is captured telling PO Cunningham, “You’re taking the collar.” This is the same voice that is captured in PO Ortiz’s recording saying, “Fucking fat ass wrists,” “Enough. Shut up,” and “Alright, take this guy out of here.”

In their CCRB interviews, Sgt. Colon, PO Lames, PO Deramo, and PO Monestime reviewed PO Ortiz’s body-worn camera footage and they did not recognize the voice saying, “Fucking fat ass wrists.” PO Ortiz recognized his own voice making the comment about § 87(2)(b)’s sweater (**25 Board Review**). In his interview, PO Monestime confirmed that he only wears an Apple Watch on patrol, and denied saying, “Fucking fat ass wrists.” PO Lames and PO Deramo denied remarking that § 87(2)(b) had “Fucking fat ass wrists.” Sgt. Colon denied making the comment, too, and stated that it could have been made by a bystander. Sgt. Colon stated that he did not make any body-worn camera recordings of the incident.

These allegations are being pled against Sgt. Colon because orders he gives on-screen in PO Monestime’s body-worn camera footage match the voice which utters the statement, “Fucking fat-ass wrists” and gives the orders off-screen in PO Ortiz’s body-worn camera footage.

NYPD Patrol Guide procedure 203-10 states that officers are to be courteous and respectful when interacting with civilians. It also prohibits officers from making disrespectful remarks based on appearance or disability.

§ 87(2)(g)

**Allegation (H) Force: Police Officer Joseph Deramo used physical force against § 87(2)(b)**

**Allegation (I) Force: Police Officer Uriel Lames used physical force against § 87(2)(b)**

**Allegation (J) Force: Police Officer Kenny Ortiz used physical force against § 87(2)(b)**

**Allegation (K) Force: Police Officer Kevin Ramirez used physical force against § 87(2)(b)**

**Allegation (L) Discourtesy: Police Officer Uriel Lames spoke discourteously towards § 87(2)(b)**

It is undisputed that § 87(2)(b) fell on the ground as he walked towards the police vehicle in handcuffs and then again when PO Deramo, PO Lames, PO Ortiz, and PO Ramirez picked him up and carried him.



§ 87(2)(b) stated that as he was walking in handcuffs, he became dizzy. He fainted and fell as he reached the curb. PO Lames told other officers to pick him up. Seven officers lifted § 87(2)(b) off of the ground and carried him to a police vehicle across the street. No part of § 87(2)(b)'s body was touching the ground, but officers had a difficult time carrying him because he weighs 350 lbs. § 87(2)(b) heard an officer say, "I'm losing my grip." Two officers lost their grip. One by one, the officers let § 87(2)(b) fall from four feet in the air onto the street. PO Lames told § 87(2)(b) "Get the fuck up then, get the fuck up off the floor."

PO Deramo stated that as § 87(2)(b) was being walked away from the storefront, he saw in his peripheral vision as § 87(2)(b) used his weight and sat back, bringing himself to the ground. PO Deramo heard officers telling § 87(2)(b) to get up. PO Deramo and other officers picked § 87(2)(b) up and carried him to a nearby police vehicle. PO Deramo carried § 87(2)(b) by his leg. PO Deramo and the other officers who were carrying § 87(2)(b) did not drop § 87(2)(b) on the ground.

PO Lames stated that as § 87(2)(b) was placed in handcuffs, he began to walk § 87(2)(b) to a police vehicle. He held onto one of § 87(2)(b)'s arms. § 87(2)(b) "went limp" and "threw himself to the ground," then refused to get up. PO Lames and other officers picked § 87(2)(b) up. PO Lames could not remember from where he carried § 87(2)(b). PO Lames did not remember whether any officer indicated whether they could carry § 87(2)(b) or whether it was difficult to place him into the RMP. PO Lames denied purposefully dropping § 87(2)(b) onto the ground. PO Lames did not remember any officer, including himself, give any commands to § 87(2)(b) to get up.

PO Ortiz stated that he was holding § 87(2)(b) and walking to a police vehicle as he heard § 87(2)(b) say, "I need an ambulance. I'm not going in the car." PO Ortiz felt § 87(2)(b)'s weight drop to the ground. PO Ortiz and PO Lames were also drawn to the ground by his weight. PO Ortiz and other officers picked § 87(2)(b) up and carried him to a vehicle. PO Ortiz and other officers put § 87(2)(b) on the ground when they reached the RMP because it would not have been possible to carry § 87(2)(b) with two hands and open a door at the same time. PO Ortiz had difficulty carrying § 87(2)(b) due to his weight, but did not intentionally drop him.

Sgt. Colon and PO Monestime stated that they never witnessed § 87(2)(b) being brought to a police vehicle.

A subclip of PO Lames' body-worn camera recording shows that as § 87(2)(b) began to walk to a police vehicle, he requested medical attention, said, "I'm not going to no car" (**33 Board Review**). Off-screen § 87(2)(b) falls to the ground. Officers carry § 87(2)(b) to a police vehicle by his limbs and, upon reaching a vehicle, an officer says, "I got no grip." Officers drop § 87(2)(b) and he says, "Oh my god, I have herniated discs." Multiple officers yell at § 87(2)(b) to "get up." No officer uses profanity.

PO Henriquez's body-worn camera recording captures this portion of the incident from another angle (**34 Board Review**). Officers reach the police vehicle at 0:22 and kneel to bring § 87(2)(b) to the ground a second time. No profanity is captured in the recording.

NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to place a person in custody. Among other factors, officers are to consider actions taken by the subject and

the size of the subject in comparison to members of service when determining whether force is reasonable.

§ 87(2)(g)

§ 87(2)(g)

**Allegation (M) Force: Police Officer Uriel Lames used physical force against § 87(2)(b)**

§ 87(2)(b) stated that he did not fit into the police vehicle well because of his size. His leg was not fully inside of the vehicle, and PO Lames slammed the door on § 87(2)(b)'s knee three times. § 87(2)(b) told the officers that they were hurting his leg. The officers opened the door of the car, adjusted his leg, and closed the vehicle again.

PO Lames did not recall what occurred as he placed § 87(2)(b) in the police vehicle, but denied ever slamming a car door against § 87(2)(b).

PO Ingui's body-worn camera recording captures this portion of the incident from across the back seat of the RMP (**15 Board Review**). On the other side of the vehicle, PO Lames closes the door the first time from a fully open position, causing § 87(2)(b)'s right leg to move slightly to the left; from the video and audio, the door appears to be shut. PO Ingui tells PO Lames to close the door again and PO Lames does so, this time from approximately one quarter of the way open. Again, the door causes § 87(2)(b)'s right leg to shift to the left. § 87(2)(b) does not cry out in pain or tell the officers that they are hurting him.

PO Lames' body-worn camera footage captures this portion of the incident from 0:50 to 1:25 of **33 Board Review**. The first time that PO Lames closes the door, he closes the door from the entirely open position. § 87(2)(b)'s body does not appear to be outside of the vehicle. The second time, he opens the door approximately one quarter of the way and pushes it closed again.

§ 87(2)(g)

**Allegation (N) Abuse of Authority: Police Officer Uriel Lames refused to provide medical attention to § 87(2)(b)**

**Allegation (O) Abuse of Authority: Police Officer Kenny Ortiz refused to provide medical attention to § 87(2)(b)**

It is undisputed that PO Ortiz and PO Lames carried § 87(2)(b) to their police vehicle and then transported him to the 44<sup>th</sup> Precinct stationhouse.

§ 87(2)(b) stated that he requested an ambulance for high blood pressure as soon as he was handcuffed. By the time that he fainted and fell, he had asked for medical attention for difficulty breathing and chest pain as well, at least four times. By the time that he was put inside of a police vehicle, he had requested medical attention six or seven times. Inside of a police vehicle, he asked for medical attention, but PO Ortiz and PO Lames, who were also inside, did not respond to him. § 87(2)(b) only received medical attention at the 44<sup>th</sup> Precinct stationhouse, after his mother called 911. § 87(2)(b) was treated inside of the stationhouse, and then removed to § 87(2)(b) while in police custody.

§ 87(2)(b) stated that after § 87(2)(b) was arrested, she ran to the 44<sup>th</sup> Precinct stationhouse from § 87(2)(b). § 87(2)(b) An unidentified officer told her that § 87(2)(b) had not asked for an ambulance. She called IAB, and then called § 87(2)(b) § 87(2)(b)'s girlfriend) and told her to call 911.

Sgt. Colon, PO Monestime, and PO Cunningham did not witness § 87(2)(b) request medical attention at the scene of his arrest because they remained at the store to attend to the original job there.

PO Cunningham stated that no other officer told her that § 87(2)(b) needed medical attention, and that § 87(2)(b) first requested medical attention when he was on the bench outside of a holding cell. A desk sergeant on duty then informed PO Cunningham that an ambulance was on the way to the stationhouse already.

PO Deramo stated that § 87(2)(b) only requested medical attention at the point at which he was brought to PO Lames and PO Ortiz's vehicle. He did not know who called for EMS, and he did not inform anyone that § 87(2)(b) requested to go to the hospital.

PO Lames did not remember whether § 87(2)(b) requested medical attention, whether he or any other officer called for medical attention, whether he made any observations about § 87(2)(b)'s health, or what § 87(2)(b) said in the car ride back to the stationhouse. He stated that when prisoners request medical attention, officers are required to obtain medical attention for them.

PO Ortiz stated that § 87(2)(b) first requested an ambulance when he was being taken to a police vehicle. He said, "I need an ambulance. I'm not going in the car." § 87(2)(b) continued to complain of chest pain as he was carried to a police vehicle. PO Ortiz and other officers told § 87(2)(b) that an ambulance would be called once he arrived at the stationhouse. PO Ortiz stated that instead of being treated by an ambulance at the scene, § 87(2)(b) was brought to the 44<sup>th</sup> Precinct stationhouse because he displayed a "potential for violence" that could be mitigated in a

controlled environment. He expected that in the time that it would take to transport § 87(2)(b) to the stationhouse, an ambulance could be called and might even have been able to reach the stationhouse in time to treat § 87(2)(b). On the ride back to the stationhouse, § 87(2)(b) continued to request medical attention. PO Ortiz told § 87(2)(b) that he would be treated at the stationhouse. PO Ortiz did not call an ambulance, and stated that it was PO Cunningham's responsibility to do so as the arresting officer. At the stationhouse, § 87(2)(b) complained of high blood pressure. PO Ortiz informed PO Cunningham that § 87(2)(b) needed an ambulance. PO Cunningham asked § 87(2)(b) whether he took medication for high blood pressure, and he responded that he did. PO Cunningham said, "Okay, we're going to get you an ambulance." PO Ortiz was unaware if any other officer called an ambulance for § 87(2)(b).

The narrative in § 87(2)(b)'s Prehospital Care Report Summary states that an ambulance reached § 87(2)(b) at 6:24 p.m. § 87(2)(b) told EMTs that he no longer had chest pain. He still complained of high blood pressure and stated that he would not go to the emergency room. § 87(2)(b) was "extremely hypertensive" (35 Board Review).

PO Ortiz's body-worn camera footage confirms that § 87(2)(b) first requested an ambulance after being handcuffed, at 1:24 (09 Board Review). PO Ortiz's body-worn camera recording is largely consistent with his statement. However, it shows that PO Ortiz and PO Lames continuously told § 87(2)(b) both that they would order, and had already ordered an ambulance to treat him. When PO Cunningham and PO Monestime arrive at the stationhouse, PO Ortiz tells PO Cunningham that § 87(2)(b) needs an ambulance. PO Cunningham tells § 87(2)(b) "Give us a few minutes." § 87(2)(b) says, "I've already asked for an ambulance." The body-worn camera footage also depicts the conversation between PO Cunningham and § 87(2)(b) regarding his medical condition. PO Ortiz's recording ends as § 87(2)(b) is being walked to the holding cell.

PO Cunningham's body-worn camera recording picks up where PO Ortiz's ends at 6:00 (06 Board Review). PO Cunningham asks § 87(2)(b) "Do you want an ambulance now?" § 87(2)(b) says that he does. PO Cunningham says, "No problem, we'll check you out."

Body-worn camera recording captures § 87(2)(b) asking for an ambulance at least 14 times, 12 in front of PO Lames and PO Ortiz. Body-worn camera does not capture PO Lames or PO Ortiz requesting an ambulance.

No ambulance was called for § 87(2)(b) within the original job that contains his arrest (36 Board Review). An event summary for the 44<sup>th</sup> Precinct stationhouse during tour 3 of the incident date reads that no events were created regarding an ambulance requested at the 44<sup>th</sup> Precinct stationhouse until 6:03 p.m. for job #§ 87(2)(b) (37 Board Review). The 911 audio for this job reveals that this job was created when § 87(2)(b) § 87(2)(b)'s girlfriend) called for an ambulance (38 Board Review).

The investigation determined that no officer secured medical attention for § 87(2)(b) only called for an ambulance at 6:03 p.m., 28 minutes after § 87(2)(b) had first requested one from PO Lames and PO Ortiz. It took 21 minutes for EMTs to make contact with § 87(2)(b) after § 87(2)(b) called 911.

NYPD Patrol Guide Procedure 210-04 states that when a prisoner in custody requires medical treatment, officers are to request an ambulance (**39 Board Review**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to four CCRB complaints and has been named as a victim in seven other allegations.
  - § 87(2)(b)

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- § 87(2)(b) [REDACTED] has been party to seven complaints and has been named as a victim in 16 other allegations.
  - § 87(2)(b) [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- PO Cunningham has been a member of service for five years and has been a subject in three complaints and five other allegations.
  - 201705353 involved substantiated allegations of threat of force and discourteous language. The Board recommended Command Discipline A and the NYPD imposed no disciplinary action.
  - § 87(2)(g) [REDACTED]
- PO Lames has been a member of service for three years and has been a subject in four complaints and five other allegations, one of which was substantiated.
  - 201803962 involved a substantiated allegation of discourteous language. The Board recommended Command Discipline A. CTS does not list any disciplinary action on the NYPD's part.
  - § 87(2)(g) [REDACTED]
- PO Deramo has been a member of service for three years. This is the first complaint to which he has been a subject.
- PO Ortiz has been a member of service for three years and has been a subject in six cases and nine other allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- Sgt. Colon has been a member of service for 12 years and has been a subject in four cases and four other allegations, none of which were substantiated. § 87(2)(g) [REDACTED]

- PO Ramirez has been a member of service for three years and has been a subject in four cases and six other allegations, one of which was substantiated.
  - 201709390 contained a substantiated allegation of discourteous language. The Board Recommended command-level instructions. CTS does not list any disciplinary action on the NYPD's part.

### **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- As of May 10, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (**41 Board Review**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date